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ABSTRACT

Of all the states in the U.S., Maine is the only one that has American Indian tribal rePresentation in its legislature. The earliest records of Maine Indian representation are 1823 (Penobscot) and 1842 (Passamaquoddy), but Massachusetts' records indicate that Indian representation had probably been going on since or before the Revolution. Due to intratribal confusion and party conflict, the Main Legislature began in 1866 to describe the procedure for electing the Penobscot legislative representative as well as the tribe's governor and lieutenant governor. In 1952, the two Passamaquoddy reservations set forth provisions for annual election of their tribal representative in the Treaty of Peace of 1852. At the time of its inception in 1907, the Legislative Record indicates that Indian representatives were both seated and afforded opportunity to speak. However, after a concerted effort in 1939 to upgrade the status of Indian representatives, there was reaction, and in 1941 Indian representatives were ousted entirely. Until 1975, Indian representatives were excluded from the floor of the House, their status being little better than that of State paid lobbyists, though in 1965 their salaries were raised and in 1967 an expense account was added. In 1975 the House restored seating and speaking privileges to Indian representatives after a 34-year lapse. (JC)

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A BRIEF HISTORY OF INDIAN LEGISLATIVE REPRESENTATIVES IN THE MAINE LEGISLATURE

BY S. Glenn Starbird, Jr.
Written 1967-Revised 1975

At the time I sponsored the bills to seat the Indian Representatives and raise their pay during the 103rd Legislature in 1967, I took the trouble to check back on the origin of this unique practice.

I say unique, because it is, for of all the fifty states in the Union, Maine is the only one that has representatives in its legislature for its Indian Tribes. I attempted to find out how the practice had started and how it had developed.

The earliest record of representatives being sent from the Penobscots is in 1823 and of the Passamaquoddies in 1842. It would appear from Agents' reports that at that time there was no state law regarding the election of Indian delegate or representative to the legislature but that the choice of this person or persons was determined by tribal law or custom only. The Penobscots chose their legislative delegate by appointment by the Tribal Governor & Council and quite likely the Passamaquoddies did also, although so far, I have found no record one way or another. Mention here and there in the Massachusetts records show that the practice of the two tribes sending representatives to the state legislature was not new with the separation from Massachusetts but probably had been going on since before the Revolution.

The difference between the Old and New Parties in the Penobscot Tribe in the 1830's and 1840's caused such confusion that these two parties signed an agreement in 1850 which provided among other things that"an election should be held every year to choose one member of the tribe to represent the tribe before the Legislature and the Governor & Council." This agreement was not very sacredly kept and so we find the Legislature stepping in by 1866 with the so-called "Special Law" of that year which not only described the procedure of electing the tribe's Legislative Representative but its Governor, and Lieutenant-Governor as well.

In 1852 the two Passamaquoddy Reservations set forth the form of their tribal government in what was known as the "Treaty of Peace of 1852". This document resolved the disagreements between the two sections of the Tribe. The agreement provided that the tribal Representative be elected annually in an election called by the Agent at Peter Dana Point. This was revised in 1875. The revision called for choosing the Representative alternately between the two reservations and providing for the voting to take place at both reservations. This system has remained the same unchanged in its essential provision ever since.

We may well wonder what the treatment of the Indian Representatives while the House was in session, was during those years and the ones that followed up to the beginning of the twentieth century, but from that time on we need no longer wonder. From the time that the Legislative Record is provided with an index in 1907 we can read clearly the record in session after session where the Indian Representatives were seated, sometimes spoke and were accorded other privileges. Were they accorded these same privileges prior to 1907?

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We do not know, but I am sure that if the truth were known and the record revealed it would show a gradual development of the Indian's status in the Legislative halls. With only 152 seats on the floor of the House, (Even the oldest floor plans show this number) and the constitutional membership set at 151 including the Speaker, how did 2 Indian Representatives find seats? The answer of course is; that the Speaker had no assigned seat. The records show no assigned seat for any Speaker of the House until Dana Childs was given one in 1965. With the Speaker presiding and only 150 members on thefloor there were than left 2 vacant seats for the Indian Representatives. A concerted effort to upgrade the Indian Representatives occured in the 1939 session, it failed, and was followed in the 1941 session with the sharp reaction that ousted the Indians entirely from their long-held position.

A bill introduced in the 1941 session changed the wording "Indian Representative to the Legislature" to "Indian Representative AT the legislature" in the Maine statutes. From that time on they were excluded from the floor of the House, their status reduced being little better than State Paid Lobbyists: A change began in 1965. In that year the Indian Representatives Salaries were raised. In 1967 a limited expense account was added. The salaries and expenses of Indian Representatives have been increased substantially over the several sessions since until now they received $2000 for each regular session plus 30 days expenses at the same rate as regular representatives.

A major gain occurred on Jan.22, 1975 when the House of Representatives restored seating and speaking privileges to Indian Representatives after a lapse of thirty-four years.

It is to be hoped these improvements in status will continue until Indian Representatives are equal with white in the Maine Legislature.